Accessibility Upgrade Requirements When Altering Existing Commercial Facilities, Buildings and Structures

**When is full accessibility compliance required?**

When an alteration or addition is performed to an existing commercial structure, facility or building, the California Building Code (CBC) requires upgrades to specific accessible features if they are non-conforming to the current CBC. The level of compliance is directly related to the “Cost of Construction” and/or “Total Cost of Construction” of the project. (See definitions below) The CBC specifies an annual valuation threshold. If your “Cost of Construction”, plus any costs of construction during the previous three years, exceeds this current valuation threshold, your level of compliance with the items listed in the Access Feature Table below shall be 100%.

**What if my Cost of Construction is less than the valuation threshold?**

When the Cost of Construction is less than the valuation threshold, and there have been no alterations of the tenant space or building within the previous three years, the level of compliance is 20% of the current Cost of Construction. This means that a maximum of 20% of the Cost of Construction shall be spent on accessibility upgrades for accessible features (if needed).

Example: An alteration where the Cost of Construction is $80,000.00. A maximum of $16,000.00 in accessible upgrades is required.

**My building is already 100% compliant, but I still have $10,000.00 left of my 20% to spend. What now?**

Once you have achieved either 100% compliance or have spent the entire additional 20%, there are no further obligations to make accessible upgrades on this permit.

It is also possible that the building is already 100% compliant prior to an alteration taking place; in this case, no further accessible upgrades are required regardless of the Cost of Construction or Total Cost of Construction.

**When there is cost of construction associated with my project, how do I know what features of the building must be upgraded?**

ACCESSIBILITY FOR EXISTING BUILDINGS

The CBC states: “Priority should be given to those elements that will provide the greatest access in the following order:"

(Access Feature Table)

- An Accessible entrance;
- An accessible route to the altered area;
- At least one accessible restroom for each sex;
- Accessible telephones;
- Accessible drinking fountains; and
- When possible, additional accessible elements such as parking, storage and alarms.

Clarifications: The above section deals with building features that are often required by the various model codes; examples include alarms, drinking fountains and urinals. If the latter are not required by the Building Code, any other model code or law, they are not required to be provided as part of any required upgrade. The CBC Section merely requires the listed examples of non-conforming features to be upgraded when they are provided.
Examples:

1. Public telephones are not generally required for any occupancy. If an office building incurred a $150,000 cost of construction, all required features must be 100% compliant. Since the public telephones are not required by the model codes, there is no requirement to provide accessible telephones in the first place. However, if public telephones are provided, they are subject to compliance upgrades and must comply with the accessibility provisions of this section and the CBC.

2. Parking is required by the Zoning Code which specifies the total number of parking stalls required for any given building. The CBC specifies the minimum number of accessible parking stalls required based on the total number of stalls provided.

What happens if I am working on a floor that is not accessed by an elevator?

For multi-storied buildings originally constructed without elevators, floors above or below the ground floor are still subject to upgrades. If you incur a “Cost of Construction” above or below the ground floor and that floor is not accessed by an elevator, you are responsible to spend up to an additional amount equal to 20% of the “Cost of Construction” toward upgrading existing non-compliant accessible features on that floor of the building and along the path of travel to the altered space. If the Cost of Construction exceeds the current valuation threshold of $139,934.00, the applicable features in the Access Feature Table below must be 100% compliant; however, the requirement to provide an elevator is limited to 20% of the “Cost of Construction” regardless of the valuation threshold.

Definitions:

Accessible “Route” or Path of Travel: The accessible route that extends from the public sidewalk or nearest public transportation stop within the boundary of the building site to accessible parking and to the specific area of alteration. (When there is no public sidewalk or public transportation available within the boundary of the site, the path shall extend from accessible parking to the specific area of alteration.)

“Cost of Construction”: This is the actual cost of the current work taking place in the space or building as applicable. This is the cost on which the 20% is calculated on. (The actual cost is subject to adjustment according to the exceptions listed in the CBC).

“Total Cost of Construction”: This is the cost of construction of the current work plus any cost(s) of construction associated with the tenant space or building as applicable within the previous three years. The Total Cost of Construction is only used to determine if the cumulative costs of construction over the previous three-year period plus the current cost of construction exceed the current valuation threshold. If so, the building or space must be 100% compliant with the applicable accessible features listed in the CBC.

“Valuation Threshold”: The valuation threshold is determined annually by The California Division of the State Architect by a formula based on the ENR 20 Cities Construction Cost Index. Note that the Valuation Threshold increases incrementally each year. For 2016, the threshold is $150,244.00.